

**Docket No. SP03-121 (015275-060009)
Patent****REMARKS**

Claims 1-34 are pending. By this amendment, Applicants have withdrawn claims 16-34 with traverse. Applicants reserve the right to pursue these withdrawn claims in a continuation or divisional application.

Applicants have also amended claim 15 to replace the phrase "may include" with "comprises an agent selected from the group consisting of." Applicants believe that this amendment is truly cosmetic and, therefore, does not introduce new matter. Accordingly, entry of the amendment is respectfully requested.

Election of Claims

On page 2, the Office Action requires Applicants to elect one of the following three groups of claims for prosecution on the merits: Group I, including claims 1-15 which are allegedly drawn to a buffered solution and classified in class 435, subclass 83; Group 2, including claims 16-31 which are allegedly drawn to a buffered solution and classified in class 536, subclass 25.3; and Group 3, including claims 32-34 which are allegedly drawn to methods and classified in class 435, subclass 6. Applicants hereby elect, with traverse, the claims in Group I for prosecution on the merits.

MPEP § 803 states "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Without agreeing or disagreeing with the contention that Groups I, II and III are distinct or independent inventions, Applicants respectfully submit that the search and examination of these groups of claims do not impose serious burden upon the Examiner. For instance, all of the claims in Groups I, II and III relate to buffer solutions or uses thereof. This feature would allow the Examiner to search and examine Groups I, II and III without undue burden. Based on the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement.

Election of Species

On pages 2-3, the Office Action requires Applicants to elect one of the following species for prosecution on the merits:

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1. dextran;
2. polyvinyl alcohol;
3. poly(ethylene glycol);
4. poly(anetholsulfate);
5. poly(vinylsulfate);
6. CM-dextran;
7. dextran sulfate;
8. beta-cyclodextrin;
9. poly(acrylic acid);
10. poly(sodium 4-styrene sulfonate);
11. poly-glutamate acid;
12. DNA;
13. BSA;
14. casein;
15. dry milk; or
16. wheat germ agglutinin.

Applicants hereby elect, with traverse, BSA for prosecution on the merits. Claims 1-10 and 14-15 are readable upon BSA.

For the same reasons set forth above, Applicants respectfully submit that the search and examination of all of the alleged species do not impose serious burden upon the Examiner. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the election requirement.

In addition, Applicants submit that claims 1 and 9 are generic claims. Therefore, upon the allowance of claims 1 or 9, Applicants are entitled to consideration of claims to additional species which are written in dependent form or include all the limitations of an allowed generic claim.

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CONCLUSION

Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Although Applicants believe that no fee is due, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 19-2380 referring to attorney docket number 015275-060009.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' attorney of record.

Respectfully submitted,



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